

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TYSON EDWARD ARMY,

Plaintiff,

v.

Case No. 10-11225

CITY OF DETROIT and DALE COLLINS,

Defendants.

**ORDER STRIKING PLAINTIFF'S RESPONSE AND EXHIBIT AND SETTING
DEADLINE FOR PLAINTIFF TO RE-FILE RESPONSE**

On April 4, 2011, Plaintiff filed his response to Defendants' motion for summary judgment. The following day, he filed additional exhibits. These filings are in contravention of the court's July 9, 2010, scheduling order, and several of the court's local rules. For example, Plaintiff has not clearly labeled his exhibits, provided a sufficient number of consecutive pages of certain transcripts he cites to provide context for the court, or submitted a chambers copy to the court. (See 7/9/10 Order ¶ 7.) In addition, his additional exhibit docket entry was improper. See E.D. Mich. LR ECF App. R18(b). It also appears that while Plaintiff's index of exhibits lists sixteen exhibits, only thirteen separate exhibits are entered on the two docket entries. The court stresses the importance of ensuring that all briefs clearly identify and properly cite to any exhibits, especially on a motion for summary judgment. If an exhibit is not attached or not clearly identifiable, the court will assume it is not part of the record before it on summary judgment.

For these reasons, the response and exhibit docket entries will be stricken. The court will give Plaintiff until April 26, 2011, at 5:00 p.m., to properly file the response and to provide the court with a bound and tabbed response in accordance with the court's scheduling order. (See 7/9/10 Order ¶ 7(b)(i)-(ii).) Accordingly,

IT IS ORDERED that Plaintiff's "Response to Motion for Summary Judgment" [Dkt. # 20] and exhibit [Dkt. # 21] are STRICKEN. Plaintiff must re-file a compliant response and deliver to the court a properly assembled chambers copy no later than **April 26, 2011, at 5:00 p.m.**

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: April 22, 2011

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 22, 2011, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522